

# Wetlands Bureau Decision Report

Decisions Taken  
06/30/2008 to 07/06/2008

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

\*\*\*\*\*

**2006-01209**

**BEAVER BROOK DEVELOPMENT OF HOOKSETT LLC**

**HOOKSETT Unnamed Wetland**

### Requested Action:

Applicant Requested Reconsideration of the denial to dredge 52,760 sq.ft. of emergent and palustrine wetland in the subdivision of 139.26 acres into a 91 lot subdivision. Place 24.94 acres of property into conservation easement to be held by the Hooksett Conservation Commission.

\*\*\*\*\*

### APPROVE AMENDMENT:

Dredge 52,760 sq.ft. of emergent and palustrine wetland in the subdivision of 139.26 acres into a 91 lot subdivision. Place 24.94 acres of property into conservation easement to be held by the Hooksett Conservation Commission.

### With Conditions:

1. All work shall be in accordance with plans by Keach-Nordstrom Associates Inc. dated April 2006, as received by DES on September 21, 2007.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. Proper headwalls shall be constructed within seven days of culvert installation.
5. This permit shall not be effective until it has been recorded with the Merrimack County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
11. Silt fencing must be removed once the area is stabilized.
12. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
13. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested.
14. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
15. Work shall be done during low flow.
16. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to restoration.

### Wetlands Mitigation:

17. In accordance with the provisions of the Conservation Easement and Homeowner's Declaration documents the Fish and Game Department shall be afforded access to all designated "Open Space areas" and work with the Homeowner's Association in the development of a Habitat management program only if Fish and Game so chooses to take advantage of this provision. Creation of a habitat management area shall not be mandated without the participation of NH Fish and Game.
18. Striken

19. This permit is contingent upon the execution of a conservation easement on 24.94 acres as depicted on plans received September 21, 2007.
20. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
21. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
22. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
23. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
24. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

#### TEMPORARY IMPACT APPROVAL CONDITIONS

25. Area of temporary impact shall be regraded to original contours following completion of work.
26. All material removed during work activities shall be removed down to the level of the original hydric soils.
27. All material removed during work activities shall be placed out of DES's jurisdiction.
28. Mulch within the restoration area shall be straw.
29. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
30. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

#### **2008-00575                      TRANSCANADA HYDRO NORTHEAST INC** **LITTLETON   Moore Reservoir**

##### Requested Action:

Impact 600 sq ft to add a 25 ft x 12 ft extension to an existing 55 ft x 12 ft boat ramp and repair the existing 55 ft x 12 ft boat ramp on Moore Reservoir, Littleton.

\*\*\*\*\*

##### Conservation Commission/Staff Comments:

Con Com has not submitted any comments by June 26, 2008

Rivers Committee submitted comments in support of the proposed project

##### APPROVE PERMIT:

Impact 600 sq ft to add a 25 ft x 12 ft extension to an existing 55 ft x 12 ft boat ramp and repair the existing 55 ft x 12 ft boat ramp on Moore Reservoir, Littleton.

##### With Conditions:

1. All work shall be in accordance with plans by Louis Berger Group dated April 10, 2008, as received by DES on April 14, 2008.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new

application and further permitting by the Bureau.

5. Work shall be done during draw down.
6. Appropriate siltation/erosion/turbidity controls, including a turbidity curtain, shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. There shall be no cutting of trees or removal of any stumps from the bank except for the area within which construction of the ramp will take place.
8. The ramp approach shall be crowned so that drainage is directed away from the slope of the ramp.
9. Dredged and excavated material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(g), removal of more than 20 cubic yards of rock, gravel, sand, mud, or other material from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the Connecticut River, as identified under RSA 482-A:1.
6. The Riverbend Subcommittee of the Connecticut River Joint Commissions had no concerns on the proposed project.
7. The proposed project is located entirely on land owned by the applicant and is not located below full lake elevation of 700 ft, therefore the proposed project does not require Governor and Council approval.

**2008-00581                      TRANSCANADA HYDRO NORTHEAST INC**  
**LITTLETON   Moore Reservoir**

Requested Action:

Repair an existing 12 ft x 20 ft boat ramp and impact 1000 sq ft of lakebed to add a 12 ft x 44 ft extension to the boat ramp, impact 650 sq ft of bank to construct an ADA-accessible ramp on Moore Reservoir, Littleton.

\*\*\*\*\*

Conservation Commission/Staff Comments:

No Con Com comments by June 27, 2008

Rivers Committee supports the proposed project

APPROVE PERMIT:

Repair an existing 12 ft x 20 ft boat ramp and impact 1000 sq ft of lakebed to add a 12 ft x 44 ft extension to the boat ramp, impact 650 sq ft of bank to construct an ADA-accessible ramp on Moore Reservoir, Littleton.

With Conditions:

1. All work shall be in accordance with plans by Louis Berger Group dated April 10, 2008, as received by DES on April 14, 2008.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. Work shall be done during draw down.
6. Appropriate siltation/erosion/turbidity controls, including a turbidity curtain, shall be in place prior to construction, shall be

maintained during construction, and shall remain until the area is stabilized.

7. There shall be no cutting of trees or removal of any stumps from the bank except for the area within which construction of the ramp and access ramp will take place.
8. The ramp approach shall be crowned so that drainage is directed away from the slope of the ramp.
9. Dredged and excavated material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(g), removal of more than 20 cubic yards of rock, gravel, sand, mud, or other material from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the Connecticut River, as identified under RSA 482-A:1.
6. The Riverbend Subcommittee of the Connecticut River Joint Commissions had no concerns on the proposed project.
7. The proposed project is located entirely on land owned by the applicant and is not located below full lake elevation of 700 ft, therefore the proposed project does not require Governor and Council approval.

**2008-00615                      JOHNSON, JEAN**  
**PORTSMOUTH   Sagamore Creek**

Requested Action:

Remove remnants of abandoned dock and replace with a conforming tidal docking structure consisting of a 6' x 93' permanent pier, connecting to a 4' x 30' ramp set as an L, to a 6' x 12' landing float, connecting inboard and parallel to a L-shaped float section consisting of five 20' x 8' sections (total length 100') running parallel to shore. Overall structure length perpendicular from shore is 93'. Dock system provides a total of 4 slips (as defined by RSA 482-A:2, VIII (a)) on 437 ft. of frontage on Sagamore Creek.

\*\*\*\*\*

Inspection Date: 06/11/2008 by Dori A Wiggin

APPROVE PERMIT:

Remove remnants of abandoned dock and replace with a conforming tidal docking structure consisting of a 6' x 93' permanent pier, connecting to a 4' x 30' ramp set as an L, to a 6' x 12' landing float, connecting inboard and parallel to a L-shaped float section consisting of five 20' x 8' sections (total length 100') running parallel to shore. Overall structure length perpendicular from shore is 93'. Dock system provides a total of 4 slips (as defined by RSA 482-A:2, VIII (a)) on 437 ft. of frontage on Sagamore Creek.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction, dated 4/2/2008, as received by the Department on 4/21/2008.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. This permit shall not be effective until recorded at the Rockingham County Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Construction of a tidal docking structure consisting of a 6' x 93' permanent pier, connecting to a 4' x 30' ramp set as an L, to a 6' x

12' landing float, connecting inboard and parallel to a L-shaped float section consisting of five 20' x 8' sections (total length 100') running parallel to shore, with an overall structure length perpendicular from shore of 93' providing a total of 4 slips (as defined by RSA 482-A:2, VIII (a)) on 437 ft. of frontage on Sagamore Creek on Portsmouth Tax Map 202 Lot 16, shall be the only dock structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.

7. Slips for this dock are authorized on the outboard side of the float string only. Any use of the inboard side of the float string as slip area by any craft in any manner, shall result in invalidation of the permit and enforcement action by DES, which may include, but not be limited to, removal of the entire float string. 8. Work shall be done during low tide.

9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

10. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

#### With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. There is currently no functional docking structure present on the property frontage to provide access to the water.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The structure is the minimum length necessary to reach usable water on the Sagamore Creek, and is consistent with or shorter than docks recently approved in the immediate vicinity. The design proposes 4 slips, two less than would be allowed based on the amount frontage present and the requirements of Env-Wt 402.12 relative to slip density.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. The bird species of concern reported by the NH Natural Heritage Bureau for the project vicinity are located more than 1/2 mile away, and will not be impacted by this project. This project has been reviewed by the Pease Development Authority Division of Ports and Harbors which determined that the project would have no negative effect on navigation, per letter dated 5/5/2008; and the dock is located greater than 20 feet off the abutting property lines.

5. The slip count of four slips on 437' of frontage complies with the requirements of Env-Wt 402.12 relative to slip density. The slips for this tidal docking structure are counted along the outboard face of the floats only; the record reflects, and DES has confirmed, that current bottom and water depth conditions prevent use of the inboard side for docking. The permit language further prohibits use of the inboard side of the float string based on the description of the specific slip location approved, and number of slips specifically approved. These limitations are emphasized in response to Portsmouth Conservation Commission comments requesting protection of fragile vegetation by avoiding use of the inboard side of the float string.

6. The Portsmouth Conservation Commission recommended approval of the application, with the following stipulations: that there be no motorized watercraft or dinghy tie up or storage on the shore side of the float string to protect fragile salt marsh vegetation; and that the allowable slip count be clarified prior to final approval. These comments have been incorporated into the approval and conditions.

7. This application has received review of the federal PGP Joint Processing Meeting on 6/26/2008 and was deemed "eligible as proposed" by the National Marine Fisheries ("NMFS").

8. This dock proposal is consistent with other tidal dock approvals in the seacoast.

9. DES staff field inspection on 6/11/2008 found that the site conditions were accurately represented in the application.

**2008-00616**

**HERMAN, WILLIAM**

**WOLFEBORO Lake Winnepesaukee**

#### Requested Action:

Fill 575 sq ft to construct 42 linear ft of breakwater, in an slight "dogleg" configuration, with a 8 ft gap at the shoreline with a 4 ft x 40 ft cantilevered pier with two, 6 ft x 27 ft piling supported piers accessed by a 6 ft by 36 ft walkway in a "W" shaped configuration, with a 32 ft x 30 ft seasonal canopy over the center slips, install three tie off piles in the southern slip provided and one, 3 pile ice cluster in front of the center dock, dredge 7 cubic yards from 375 sqft on an average of 291 ft of frontage on Lake Winnepesaukee, in Wolfeboro.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Fill 575 sq ft to construct 42 linear ft of breakwater, in an slight "dogleg" configuration, with a 8 ft gap at the shoreline with a 4 ft x 40 ft cantilevered pier with two, 6 ft x 27 ft piling supported piers accessed by a 6 ft by 36 ft walkway in a "W" shaped configuration, with a 32 ft x 30 ft seasonal canopy over the center slips, install three tie off piles in the southern slip provided and one, 3 pile ice cluster in front of the center dock, dredge 7 cubic yards from 375 sqft on an average of 291 ft of frontage on Lake Winnepesaukee, in Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Beckwith Builders dated April 16, 2008, as received by the Department on April 21, 2008.
2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
8. The breakwater shall not exceed 3 feet in height(Elev. 507.32) over the normal high water line(Elev. 504.32).
9. The width as measured at the top of the breakwater(Elev. 507.32) shall not exceed 3 feet.
10. Rocks may not remained stockpiled on the frontage for a period longer than 60 days.
11. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.
12. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
13. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
14. Dredged material shall be disposed of out of DES jurisdiction.
15. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
16. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483 B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(j), construction of a Breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Wt 402.06, Breakwaters.
3. The applicant has an average of 291 feet of frontage along Lake Winnepesaukee, Wolfeboro.
4. A maximum of 4 slips may be permitted on this frontage per Rule Wt 402.12, Frontage Over 75'.
5. The proposed docking facility will provide 3 slips as defined per RSA 482-A and therefore meets Rule Wt 402.12.
6. Public hearing is not required based on field inspection, by NH DES staff, on January 26, 2006 with the finding that the project impacts will not provide an impact to an important physical component to the resources of Lake Winnepesaukee pursuant to Wt 101.83. Additionally, the project does not have a significant public interest and does not impact resources that have a special value from a local, regional, or state perspective as required by Wt 101.87.
7. Field inspection on found the proposed plans represent the proposed project.

-Send to Governor and Executive Council-

## MINOR IMPACT PROJECT

\*\*\*\*\*

**2005-00371                      LANCASTER, TOWN OF**  
**LANCASTER   Indian Brook**

### Requested Action:

Proposal to add a second culvert replacement to the project at the adjacent Indian Brook railroad crossing. The proposed additional work consists of removal of an approximately 4 ft. x 32 ft. granite stone culvert and replacing with a 9 ft. 3 in. span x 3 ft. high x 32 ft. run open bottom aluminum arch/box culvert with a natural rounded river stone bed.

\*\*\*\*\*

### APPROVE AMENDMENT:

Dredge and fill 1,716 sq. ft. (approximately 90 linear ft.) of Indian Brook to replace two deteriorated culverts with one new 10 ft. x 3 ft. x 48 ft. concrete box culvert within Depot Street and dredge and fill an additional 713 sq. ft. (approximately 90 linear ft.) of wetlands at the adjacent railroad bed crossing for replacement of an approximately 4 ft. x 32 ft. granite stone culvert with a 9 ft. 3 in. span x 3 ft. high x 32 ft. run open bottom aluminum arch/box culvert with a natural rounded river stone bed.

### With Conditions:

1. All work shall be in accordance with revised plans by CMA Engineers dated 5/13/2005, as received by the Department on 6/24/2005 and amended plans and narratives dated 6/16/08, as received by the Department on 6/17/08.
2. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
3. The permittee shall coordinate with the NH Division of Historic Resources to assess and mitigate the project's effect on historic resources.
4. Work shall be done during annual low flow conditions.
5. Native material removed from the crossing during culvert installation, shall be stockpiled separately and reused to emulate a natural channel bottom within and adjacent to the culvert. Any new materials used must be similar to natural bed substrate and shall not include angular rip-rap.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. There shall be no excavation or operation of construction equipment in flowing water.
10. Unconfined work within the surface water and wetlands, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
11. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
12. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
13. Temporary cofferdams shall be entirely removed immediately following construction.
14. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
15. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired immediately.
17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each



operator shall be trained in its use.

18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

19. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.

20. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

21. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), projects which disturb less than 200 linear ft. of a perennial stream.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

5. The proposed amendment replaces an undersized culvert in the adjacent railroad bed crossing.

**2005-00474                      CONCORD COUNTRY CLUB INC**  
**CONCORD   Unnamed Wetland**

Requested Action:

Approve permit amendment to revise condition no.'s 2 and 3.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Reconsideration requested by Schauer Env. Consultants on 10/3/07 - np

Please see findings.

Inspection Date: 08/17/2005 by Kirsten Pulkkinen

APPROVE AMENDMENT:

Dredge and fill a total of 9,830 square feet of wetland, including 180 linear feet of previously disturbed intermittent stream for pond construction, and golf course expansion and restore 1,100 square feet along 110 linear feet of the same intermittent stream.

With Conditions:

1. All work shall be in accordance with plans by Forbes Golf Design, LLC. dated January 7, 2005, and revised through February 21, 2005, as received by the Department on August 25, 2005.

2. Stream restoration shall be in accordance with plans by Schauer Environmental Consultants, LLC, signed by Peter Schauer on September 2, 2005 as received by the department on September 2, 2005 and plans dated March 20, 2008, as received by the Department on March 31, 2008.

3. A total of three stumps in the forested wetland, as specified on plans submitted September 2, 2005 signed by Peter Schauer on September 2, 2005 as received by the department on September 2, 2005 will be pulled. The remaining seven stumps will be ground.

4. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

5. All work shall be done during dry conditions.

6. There shall be no excavation or operation of construction equipment in flowing water.

7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by

mulching with tack or netting and pinning on slopes steeper than 3:1.

10. Area shall be regraded to original contours following completion of work.

11. The schedule for construction of the restoration area shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.

12. Stream restoration shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create a healthy riverine system. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing stream sinuosity, changing the slope of the stream, and changing the hydrologic regime.

13. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the restoration areas are constructed in accordance with the restoration plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.

14. The permittee or a designee shall conduct a follow-up inspection after the first growing season of final restoration plantings, to assess the system and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of the restoration site.

15. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the restoration areas during construction and during the early stages of vegetative establishment.

16. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

DES reaffirms findings no.'s 1 - 8:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f) and Wt 303.03(l) projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Wt 303.04(n).

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

5. DES Staff conducted a field inspection of the proposed project on August 17, 2005. Field inspection found the intermittent stream was sediment laden, appears sediment source is not the golf course. The intermittent stream channel was well-defined through the wet meadow; the proposed pond area. There is a south and west overstory along the stream channel in the forested wetland; proposed are for clearing trees. Also, the stream channel was deep and well-defined in the forested wetland.

6. The three stumps to be pulled are along the wetland line, over 15 feet from the intermittent stream channel.

7. No species of concern were reported by Natural Heritage Bureau.

8. No comments were submitted by the Town of Concord Conservation Commission.

**2007-02046 SHEEHAN, THOMAS**  
**PITTSBURG Back Lake**

Requested Action:

Reconsideration received

\*\*\*\*\*

Conservation Commission/Staff Comments:

Pittsburg does not have a Conservation Commission, therefore there are no Con Com comments in the file.

With Findings:

1. On February 1, 2008 DES denied the applicant's request to construct a 96 linear feet of retaining wall on Back Lake, Pittsburg.

2. On February 22, 2008 DES received a letter requesting to apply for reconsideration due to the belief and knowledge that the shoreline is in fact eroding.
3. The applicant agrees that the photos submitted to DES show a vegetated bank.
4. The applicant submitted new photos with their motion showing erosion.
5. The applicant submitted new close up photos on May 30, 2008.
6. On May 30, 2008 the applicant submitted new plans that include a vegetated mat along the top of the retaining wall.
7. Pursuant to Env Wt 404.05(1) Walls shall be permitted only where lack of space or other limitations of the site make alternative stabilization methods impractical.
8. Env Wt 404 provides criteria for various shoreline stabilization methods including: diversion of water (404.02), vegetative stabilization (404.03), riprap (404.04) and walls (404.05).
9. The applicant has not demonstrated that vegetative stabilization or riprap, less impacting alternatives could not be used on this site.

**2007-02802                      PHELPS, JAMES & JOHN LANE**  
**DANBURY   Unnamed Wetland**

**Requested Action:**

Revoke permit denial to dredge and fill a total of 2435 square feet for the proposed subdivision of 54 acres into 3 single family lots and reinstate permit application due to administrative error.

\*\*\*\*\*

**OTHER:**

Revoke permit denial to dredge and fill a total of 2435 square feet for the proposed subdivision of 54 acres into 3 single family lots and reinstate permit application due to administrative error.

**With Findings:**

1. Due to an error by staff the received response to our request for additional information was misfiled. The information was received on June 10, 2008, within the 120 day date.

**2007-02937                      SCOTT, FRANK**  
**RYE   Parsons Creek**

**Requested Action:**

Perform construction work totaling 5,462 sq. ft. within the previously developed upland tidal buffer zone (3,723 sq. ft. permanent & 1,739 sq. ft. temporary impacts) to construct an addition to the existing dwelling, replace existing impervious driveway surface with pervious material and/or porous pavers and replace the existing subsurface septic system.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

The Rye Conservation Commission is not opposed to this project.

**APPROVE PERMIT:**

Perform construction work totaling 5,462 sq. ft. within the previously developed upland tidal buffer zone (3,723 sq. ft. permanent & 1,739 sq. ft. temporary impacts) to construct an addition to the existing dwelling, replace existing impervious driveway surface with pervious material and/or porous pavers and replace the existing subsurface septic system.

**With Conditions:**

1. All work shall be in accordance with plans by NHSC, Inc. Environmental Consultants dated 12/07, as received by DES on December 17, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

4. There shall be no further alteration of areas within wetlands jurisdiction for lot development, driveways, for septic setback or other construction activities.
5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(b).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on June 5, 2008. Field inspection determined this project will not adversely affect the adjacent tidal wetlands.

**2007-02991                      BLAISDELL LAKE PROTECTION ASSOCIATION**  
**SOUTH SUTTON    Blaisdell Lake**

Requested Action:

Remove an existing 8 ft x 8 ft x 6 ft concrete anchoring pad, remove grass from an existing 2000 sq ft beach, and replenish beach with 12 cubic yards of sand located on 610 ft of frontage in South Sutton on Blaisdell Lake.

\*\*\*\*\*

APPROVE PERMIT:

Remove an existing 8 ft x 8 ft x 6 ft concrete anchoring pad, remove grass from an existing 2000 sq ft beach, and replenish beach with 12 cubic yards of sand located on 610 ft of frontage in South Sutton on Blaisdell Lake.

With Conditions:

1. All work shall be in accordance with plans by Blaisdell Lake Protective Association, as received by the Department on March 5, 2008, and dock specifications as received on June 11, 2008.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
4. No more than 20 cubic yards of sand may be used and all sand shall be located above the normal high water line.
5. This permit shall be used only once, and does not allow for annual beach replenishment.
6. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
9. This permit does not authorize any dredging of the lakebed for any purpose.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(f)(2) replenishment of an existing beach requiring more than 10 cubic yards but no more than 20 cubic yards.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas

and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2008-00167                      PORTLAND PIPE LINE CORPORATION**  
**JEFFERSON   Israel River**

**Requested Action:**

Emergency Authorization to temporarily impact a total of approximately 1800 square feet of wetlands to include 120 linear feet of stream bank and bed, at two separate locations, to repair existing 24 in. crude oil conveyance pipelines, in and adjacent to the Israel River.

\*\*\*\*\*

**APPROVE AFTER THE FACT:**

After-the-fact approval for work conducted under an emergency authorization to impact a total of 2805 sq. ft. of river bed and banks (185 linear feet), at two separate locations, to repair existing 24 in. crude oil conveyance pipelines, in and adjacent to the Israel River and South Branch of the Israel River.

**With Conditions:**

1. All work shall be in accordance with plans and narratives by Lobdell Associates, as received by DES on April 17, 2008 and May 28, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. An additional monitoring report shall be submitted to DES by October 1, 2008. The report shall include the success of the stream bank plantings and a plan for the replanting of any failed plantings.

**With Findings:**

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The completed work was needed to inspect and repair weakness found during a remote inspection of the crude oil conveyance pipes within and adjacent to the Israel River and South Branch of the Israel River.
6. All work is completed and the site is being monitored for the success of the stream bank plantings.
7. The applicant conducted the work with approval from the NH Fish & Game Department.

**2008-00265                      DAVIS, ROBERT**  
**NEWBURY   Lake Sunapee**

**Requested Action:**

Repair, replace, and modify existing crib supported structures resulting in a 15 ft 4 in x 30 ft 4 in boathouse with a single 10 ft wide interior slip, a 3 ft 6 in x 8 ft exterior dock extending from a 2 ft 9 in x 30 ft dock, and a 7 ft 3 in x 28 ft 9 in dock on property having an average of 140 ft of frontage on Lake Sunapee in Newbury.

\*\*\*\*\*

**DENY PERMIT:**

Repair, replace, and modify existing crib supported structures resulting in a 15 ft 4 in x 30 ft 4 in boathouse with a single 10 ft wide

interior slip, a 3 ft 6 in x 8 ft exterior dock extending from a 2 ft 9 in x 30 ft dock, and a 7 ft 3 in x 28 ft 9 in dock on property having an average of 140 ft of frontage on Lake Sunapee in Newbury.

With Findings:

Standards for Approval

1. In accordance with Rule Env-Wt 402.20, Modification of Existing Structures, the Department shall only permit the modification of existing non-conforming structures when the modifications will result in decreased environmental impact or in a reduction in the number of slips provided and the construction surface area over public submerged lands.

Findings of Fact

1. On February 8, 2008, DES staff met with the agent for the Applicant in a pre-application meeting to discuss modification of a boathouse over public waters on property identified as Town of Newbury tax map 20, lot 127, block 417 (the "Property").
2. During the pre-application meeting the Agent for the Applicant acknowledged that the boathouse and associated docking facilities exceeded the dimensions of the structures as previously permitted by DES at the closure of Wetlands File #1995-748. File #1995-748 was a compliance action related to the illegal modification of the docking facilities on the Property.
3. During the pre-application meeting DES staff agreed that removal of 50 sq ft of deck surface from the south pier and reduction of the north pier to 6 ft in width would result in a reduction in construction surface area over public submerged lands and meet the requirements of Rule Env-Wt 402.20.
4. On February 25, 2008 DES notified the Applicant that the complete application for the modification of the docking facilities had been received.
5. The Application as submitted proposed a width of 7 ft 3 in for the north pier instead of the 6 ft width that DES had verified would be sufficient to meet Rule Env-Wt 402.20.
6. On May 5, 2008, DES notified the Agent and the Applicant that the project as submitted did not reflect the plans the DES had agreed would meet Rule Env-Wt 402.20, and that as submitted would not meet this Rule.
7. On June 5, 2008, DES received a letter from the Agent stating that they did not have the authority to enter into an agreement on behalf of the Applicant during the pre-application meeting and that they believed that the proposal as submitted met Rule Env-Wt 402.20.
8. The permitted structures on the Property would have 751 sq ft of construction surface area over public submerged lands.
9. The proposed structures on the Property would have 762 sq ft of construction surface area over public submerged lands.

Rulings in Support of the Decision

1. The removal of crib materials from an area that will remain covered by dock surface does not constitute a reduction in construction surface area.
2. The removal of portions of the structure which were not legally constructed will not be considered towards meeting the requirements of Rule Env-Wt 402.20.
3. The project is denied because the proposal will result in an 11 sq ft increase in the construction surface area of the project and fails to meet the requirements of Rule Env-Wt 402.20.

**2008-00454                      STONEWATER HOMES LLC**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

Construct a 6 ft x 40 ft seasonal dock attached to a 6 ft x 40 ft seasonal dock by a 6 ft x 12 ft seasonal walkway, attached to two 6 ft x 4 ft concrete pads, install a 14 ft x 30 ft seasonal canopy over the center slip, construct a 410 sq ft perched beach on an average of 150 ft of frontage on Lake Winnepesaukee, in Moultonborough.

\*\*\*\*\*

Conservation Commission/Staff Comments:

No Con Com comments by June 09, 2008

**APPROVE PERMIT:**

Construct a 6 ft x 40 ft seasonal dock attached to a 6 ft x 40 ft seasonal dock by a 6 ft x 12 ft seasonal walkway, attached to two 6 ft x 4 ft concrete pads, install a 14 ft x 30 ft seasonal canopy over the center slip, construct a 410 sq ft perched beach on an average of 150 ft of frontage on Lake Winnepesaukee, in Moultonborough.

**With Conditions:**

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants revision dated June 27, 2008, as received by DES on June 30, 2008.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
5. All seasonal structures shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
7. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
8. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
9. The steps installed for access to the water shall be located completely landward of the normal high water line.
10. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
11. This permit shall be used only once, and does not allow for annual beach replenishment.
12. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
13. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
14. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
15. The concrete pads shall be located entirely behind and above full lake elevation of 504.32.
16. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

**With Findings:**

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a docking system that exceeds the design and construction criteria discussed at Env-Wt 402.01 for minimum impact docks classified under Env-wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 150 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

**2008-00562                      PELHAM, TOWN OF**  
**PELHAM   Beaver Brook**

**Requested Action:**

Dredge and fill a total of 3,200 sq. ft. (1,100 sq. ft. permanent & 2,100 sq. ft. temporary impacts) in the flow channel and embankments for work associated with the replacement of the existing one-lane timber deck bridge which carries Castle Hill Road over Beaver Brook with a single span precast concrete bridge with new abutments, wingwalls and stone rip-rap slope protection.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

The Windham Conservation Commission intervened on this application, but no follow-up report or comments were received.

**APPROVE PERMIT:**

Dredge and fill a total of 3,200 sq. ft. (1,100 sq. ft. permanent & 2,100 sq. ft. temporary impacts) in the flow channel and embankments for work associated with the replacement of the existing one-lane timber deck bridge which carries Castle Hill Road over Beaver Brook with a single span precast concrete bridge with new abutments, wingwalls and stone rip-rap slope protection.

**With Conditions:**

1. All work shall be in accordance with plans by SEA Consultants, Inc. dated 3/24/2008, as received by DES on April 07, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Work shall be done during low flow.
7. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
8. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
9. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
10. Temporary cofferdams shall be entirely removed immediately following construction.
11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
12. Faulty equipment shall be repaired prior to entering jurisdictional areas.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

**With Findings:**

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(c).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2008-00582**

**CONTONIO, JACK**

**FRANCONIA Unnamed Wetland**

**Requested Action:**

Dredge and fill approximately 8,841 sq. ft. (includes 248 sq. ft. of temporary perennial stream impact) swamp wetlands for construction of a driveway to a proposed single family home on a 25.91 acre parcel. Work in wetlands consists of construction of a temporary pole ford and culvert crossing within a perennial stream for access to construct a 25 foot full span x 7 ft. 6 in. rise x approx. 14 ft. run arch culvert with no stream, bank or wetland impacts, wetland impact "Area A" consisting of installation of a 18 in. x 20 ft. culvert, associated grading, filling and stone headwalls, and wetland impact "Area B" consisting of the installation of three 18 in. x 20 ft. culverts associated grading, filling and stone headwalls.

\*\*\*\*\*

**APPROVE PERMIT:**

Dredge and fill approximately 8,841 sq. ft. (includes 248 sq. ft. of temporary perennial stream impact) swamp wetlands for



construction of a driveway to a proposed single family home on a 25.91 acre parcel. Work in wetlands consists of construction of a temporary pole ford and culvert crossing within a perennial stream for access to construct a 25 foot full span x 7 ft. 6 in. rise x approx. 14 ft. run arch culvert with no stream, bank or wetland impacts, wetland impact "Area A" consisting of installation of a 18 in. x 20 ft. culvert, associated grading, filling and stone headwalls, and wetland impact "Area B" consisting of the installation of three 18 in. x 20 ft. culverts associated grading, filling and stone headwalls.

With Conditions:

1. All work shall be in accordance with plans by Presby Construction Inc., dated March 18, 2008, as received by DES on April 14, 2008
2. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
3. Work within the perennial stream crossing area shall be done during annual low flow conditions and during the months of May through September. No in-stream work shall occur after October 1 unless a waiver of this condition is issued by the DES Wetlands Bureau in consultation with the NH Department of Fish and Game.
4. The temporary stream crossing shall be in place only during low flow and shall not be installed until the time of the proposed bridge construction.
5. The temporary stream crossing shall be removed immediately upon completion of the new bridge and before the start of annual high stream flows.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
12. There shall be no excavation or operation of construction equipment in flowing water.
13. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
16. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has provided a full span arch bridge/culvert that spans the areas at the perennial stream crossing that are under the

jurisdiction of the DES Wetlands Bureau.

## MINIMUM IMPACT PROJECT

\*\*\*\*\*

### **2008-00527                      HAMPSTEAD, TOWN OF HAMPSTEAD   Unnamed Stream**

#### Requested Action:

Impact 480 sq. ft. within the banks and flow channel of a seasonal stream to replace the existing deteriorated CMP culvert with a three-sided reinforced concrete box culvert.

\*\*\*\*\*

#### Conservation Commission/Staff Comments:

No comments were received from the Hampstead Conservation Commission

#### APPROVE PERMIT:

Impact 480 sq. ft. within the banks and flow channel of a seasonal stream to replace the existing deteriorated CMP culvert with a three-sided reinforced concrete box culvert.

#### With Conditions:

1. All work shall be in accordance with plans by Jon Worthen, Road Agent dated 3-19-08, as received by DES on April 04, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. Work shall be done during low flow.

### **2008-00566                      ST CYR, RICHARD/VIRGINIA LONDONDERRY   Unnamed Wetland**

#### Requested Action:

Dredge and fill 1,110 sq. ft. of palustrine forested/scrub-shrub wetlands to construct a roadway/culvert crossing to access a 7-lot residential subdivision on a 9.35 acre parcel of land.

\*\*\*\*\*

#### Conservation Commission/Staff Comments:

"The [Londonderry Conservation] Commission voted at it[s] last meeting to recommend approval of the application as presented, noting that the access road is the least impacting entrance to the property."

#### APPROVE PERMIT:

Dredge and fill 1,110 sq. ft. of palustrine forested/scrub-shrub wetlands to construct a roadway/culvert crossing to access a 7-lot residential subdivision on a 9.35 acre parcel of land.

#### With Conditions:

1. All work shall be in accordance with plans by Keach-Nordstorm Associates, Inc. dated March 2008, as received by DES on April 11, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.

**2008-00572                      INFANTI, GEORGE**  
**MILFORD   Unnamed Wetland**

Requested Action:

Dredge and fill 2,267 sq. ft. of palustrine forested/scrub-shrub wetlands to upgrade an existing wetlands crossing by widening and replacing the existing undersized 15 in. RCP culvert with a 48 in. RCP culvert with headwalls to provide access to a proposed self storage facility.

\*\*\*\*\*

Conservation Commission/Staff Comments:

"We [Milford Conservation Commission] have no concerns with the wetlands impacts presented in the application in that they are necessary to provide the landowner access to his property."

APPROVE PERMIT:

Dredge and fill 2,267 sq. ft. of palustrine forested/scrub-shrub wetlands to upgrade an existing wetlands crossing by widening and replacing the existing undersized 15 in. RCP culvert with a 48 in. RCP culvert with headwalls to provide access to a proposed self storage facility.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated July 1, 2002 (last revised 4/9/08), as received by DES on April 14, 2008.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or other construction activities.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Work shall be done during low flow.

**2008-00666                      NEW CASTLE, TOWN OF**  
**NEW CASTLE   Unnamed Stream**

Requested Action:

Replace the existing deteriorated 36 in. CMP culvert under Quarterdeck Lane with a 48 in. X 36 in. box culvert to restore tidal flow to an area of salt marsh currently subject to fresh water impoundment and encroachment by invasive plant species. Dredge 1,305 sq. ft. to remove accumulated sediments and debris from the flow channel and fill 280 sq. ft. of previously impacted areas to install the new culvert and headwalls.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The New Castle Conservation Commission is a sponsor of this salt marsh restoration project and strongly supports it's implementation.

Inspection Date: 05/06/2008 by Frank D Richardson

APPROVE PERMIT:

Replace the existing deteriorated 36 in. CMP culvert under Quarterdeck Lane with a 48 in. X 36 in. box culvert to restore tidal flow to an area of salt marsh currently subject to fresh water impoundment and encroachment by invasive plant species. Dredge 1,305 sq. ft. to remove accumulated sediments and debris from the flow channel and fill 280 sq. ft. of previously impacted areas to install the new culvert and headwalls.

With Conditions:

1. All work shall be in accordance with plans by Natural Resources Conservation Service dated September 2007, as received by DES on April 25, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. NH DES Wetlands Bureau Coastal Restoration staff shall be notified in writing prior to commencement of work and upon its completion.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be disposed of outside of the jurisdiction of the DES Wetlands Bureau.
6. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Work shall be done during low flow.
9. Work on the salt marsh shall occur during the months of August through the following April. No work on the marsh shall occur after April 30 unless a waiver of this condition is issued from the DES Wetlands Bureau.
10. Construction equipment shall have specialized low ground pressure tracks, which impact less than four (4) pounds per square inch when loaded, or the permittee shall utilize timber or plywood mats beneath machines when driving over tidal wetland areas.
11. Timber or plywood mats shall be utilized in all areas of the marsh where construction equipment is required to travel or turn multiple times over the same area.
12. All weight distribution mats shall be removed from the marsh within a minimum practicable time period.
13. Pre- and post-restoration monitoring shall be completed through the protocols set forth by the "Global Program of Action Coalition for the Gulf of Maine" (GPAC) and the "Monitoring Requirements for Salt Marsh Restoration Projects," NH Coastal Program, September 1998.
14. The permittee shall submit monitoring reports to the DES Wetlands Bureau according to the specifications stated in the above-listed protocols.
15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
16. Faulty equipment shall be repaired prior to entering jurisdictional areas.
17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(t)(1-4) Restoration of altered or degraded wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2008-00839                      PITTSFIELD WASTE WATER TREATMENT PLANT**  
**PITTSFIELD   Suncook River**

Requested Action:

Confirm Emergency Authorization issued May 28, 2008 to repair existing concrete encasement around existing sewerline impaction approx. 20 sq ft. Impact approx 5 liner ft of bank to reset existing stone wall and remove approx. 1 1/2 yds of washed out sediment from bed of stream.

\*\*\*\*\*

CONFIRM EMERGENCY AUTHORIZATION:

Repair existing concrete encasement around existing sewerline impaction approx. 20 sq ft. Impact approx 5 liner ft of bank to reset existing stone wall and remove approx. 1 1/2 yds of washed out sediment from bed of stream.

With Conditions:

1. Any further alteration of areas that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This project is classified as a Minimum impact project per Rule Env-Wt 303.04(x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.
2. The project was necessary to stabilize and cover the existing sewer line.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on May 28, 2008.
4. Review of the report submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

**FORESTRY NOTIFICATION**

\*\*\*\*\*

**2008-01074                      NEW PAGE CORPORATION, RIBERT JORDAN**  
**SHELBURNE   Unnamed Stream**

COMPLETE NOTIFICATION:

Shelburne Tax MAp 5, Lot# 6

**EXPEDITED MINIMUM**

\*\*\*\*\*

**2007-02310 HUTCHINS JR, RALPH**  
**ALTON Lake Winnepesaukee**

Requested Action:

Repair 25 linear feet of existing retaining wall on Lake Winnepesaukee, Alton.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair 25 linear feet of existing retaining wall on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans as received by DES on February 05, 2008.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Repair shall maintain existing size, location and configuration.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), repair of existing structures.

**2008-00407 SCHULZ, EDWARD**  
**ALTON Lake Winnepesaukee**

Requested Action:

Construct a 324 sq ft perched beach on Lake Winnepesaukee, Alton.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Construct a 324 sq ft perched beach on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated June 03, 2008, as received by DES on June 10, 2008, and stair location plans dated July 02, 2008, as received by DES on July 02, 2008.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
5. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
6. The steps installed for access to the water shall be located completely landward of the normal high water line.
7. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.

8. This permit shall be used only once, and does not allow for annual beach replenishment.
9. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
10. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(d), construction of a beach.

**2008-00558                      VAN BERKUM, PETER & LESLIE**  
**DEERFIELD   Pleasant Lake**

Requested Action:

Bio-stabilize 90 linear ft of bank on 180 ft of frontage in Deerfield on Pleasant Lake.

\*\*\*\*\*

APPROVE PERMIT:

Bio-stabilize 90 linear ft of bank on 180 ft of frontage in Deerfield on Pleasant Lake.

With Conditions:

1. All work shall be in accordance with revised plans as received by DES on June 18, 2008.
2. The planting of invasive species is strictly prohibited.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. All planted vegetation and bio-stabilization methods shall be monitored and maintained for mortality and stability. Vegetation shall be replaced within 9 months of mortality with more appropriate species if deemed insufficient to environmental conditions.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
6. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
7. The unnecessary removal of vegetation is prohibited.
8. This permit does not authorize dredging for any purpose.
9. Stabilization logs shall not be installed lakeward of the normal high water mark elevation.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o) bio-stabilization is the least impacting alternative to stabilize banks pursuant to Rule Env-Wt 404.03.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2008-00735                      ZECHEL, WILLIAM DOUGLAS**  
**RYE   Rye Harbor**

Requested Action:

In-kind replacement of a rotten piling on a permanent pier located on Rye Harbor with approximately 300 feet of frontage.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Rye Conservation Commission signed the Minimum Impact Expedited application.

**APPROVE PERMIT:**

In-kind replacement of a rotten piling on a permanent pier located on Rye Harbor with approximately 300 feet of frontage.

**With Conditions:**

1. All work shall be in accordance with plans as received by DES on June 3, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. DES staff shall be notified in writing prior to commencement of work and upon its completion.
4. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
5. Repair shall maintain existing size, location and configuration.
6. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
10. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(v) Maintenance, repair, and replacement in-kind of existing docking structures, such as breakwaters, docks, boat houses, piers, wharves, walkways, boat ramps, tie-off pilings, ice clusters, dolphins, or other docking facilities.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant does not need concurrence from the abutter whose property is within 20-feet of the proposed work pursuant to Env-Wt 304.04 as the repairs will be made in-kind.

**2008-00740                      EVANS, ELAINE**  
**PIERMONT   Eastman Brook**

**Requested Action:**

Maintenance dredge approximately 2,400 square feet of Eastman Brook/pond at the dam to ensure proper operation of an existing hydroelectric facility.

\*\*\*\*\*

**APPROVE PERMIT:**

Maintenance dredge approximately 2,400 square feet of Eastman Brook/pond at the dam to ensure proper operation of an existing hydroelectric facility.

**With Conditions:**

1. All work shall be in accordance with plans by Osgood Drafting & Design dated October 17, 2003 received by the Department on May 9, 2008.
2. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion/turbidity



control plans and construction sequence plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.

3. Work shall be done during annual low flow conditions and during the months of May through September. No in-stream work shall occur after October 1 unless a waiver of this condition is issued by the DES Wetlands Bureau in consultation with the NH Department of Fish and Game.
4. Appropriate erosion and siltation controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. There shall be no excavation or operation of construction equipment in flowing water.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
8. Future wetland applications to maintenance dredge this area shall include updated detailed engineered plans so that the DES Wetlands Bureau can adequately assess temporary and permanent impacts.
9. This permit shall be used only once and does not allow for annual maintenance dredging.
10. Dredged material shall be placed out of DES Wetlands Bureau jurisdiction.
11. Dewatering of dredge spoils shall be contained in an area that is: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
15. Any further alteration of wetlands on this property will require a new application and further permitting by the DES Wetlands Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(k).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. Project is necessary to ensure safe and efficient operation of the existing hydroelectric facility.
4. Accumulated sand and gravel has obstructed the flow to the power generation turbine.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. This permit is contingent on approval of a final stream diversion, sediment and turbidity control plan and the use of proper erosion, sedimentation and turbidity controls.
7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
8. The Piermont Conservation Commission signed the application.
9. No comments were submitted by the NH Fish and Game Department or the Natural Heritage Bureau.

**2008-00965                      NOWAK, ROBERT**  
**GOFFSTOWN   Unnamed Wetland**

Requested Action:

Dredge and fill 1040 sq. ft. of wetlands to upgrade an existing historical wetland crossing for access to a proposed single family building lot. Work in wetlands consists of installation of two 15 in. x 37 ft. HDPE culverts, associated grading and filling.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill 1040 sq. ft. of wetlands to upgrade an existing historical wetland crossing for access to a proposed single family building lot. Work in wetlands consists of installation of two 15 in. x 37 ft. HDPE culverts, associated grading and filling.

With Conditions:

1. All work shall be in accordance with plans by Keach-Nordstrom Associates, Inc., dated May 5, 2008 and May 23, 2008, as received by DES on June 6, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Work shall be done during low flow.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z) Installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial recreational uses.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed impact is within and adjacent to and existing historical agricultural wetland crossing.

**2008-01050**

**CUMMINGS COVE COMMON LAND, SYLVIE ST HILAIRE**

**MEREDITH Lake Winnepesaukee**

Requested Action:

Repair and existing 12 ft x 32 ft perched beach, add 6 ft wide access stairs and add 10 cubic yards of new sand to the beach on Lake Winnepesaukee, Meredith.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair and existing 12 ft x 32 ft perched beach, add 6 ft wide access stairs and add 10 cubic yards of new sand to the beach on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants dated June 01, 2008, as received by DES on June 16, 2008.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
2. Repair shall maintain existing size, location and configuration.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
5. Stone placed along the beach front for the purpose of retaining sand shall be placed in the same location as the existing retaining wall and above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks

existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.

6. The steps installed for access to the water shall be located completely landward of the normal high water line.
7. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
8. This permit shall be used only once, and does not allow for annual beach replenishment.
9. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
10. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(aa), replenishment of a beach.

## GOLD DREDGE

\*\*\*\*\*

**2008-01169 WILLIAMS, MICHAEL**  
**(ALL TOWNS) Unnamed Stream**

Conservation Commission/Staff Comments:  
cc: Bath Con Comm

**2008-01184 LINDNER, JAMES**  
**(ALL TOWNS) Unnamed Stream**

## LAKES-SEASONAL DOCK NOTIF

\*\*\*\*\*

**2008-01114 MERCIER, KENNETH**  
**ATKINSON Big Island Pond**

COMPLETE NOTIFICATION:  
Atkinson, NH Tax Map 22 Lot 66  
Big Island Pond

**2008-01198 BRADFORD, RAY**  
**HARRISVILLE Chesham Pond**

COMPLETE NOTIFICATION:  
Harrisville, NH Tax Map 40 Lot 102  
Chesham Pond

**2008-01199                      DEMBROWSKI, PHILLIP**  
**BARRINGTON   Long Pond**

COMPLETE NOTIFICATION:  
Barrington, NH   Tax Map 103 Lot 23 & 24  
Long Pond

**2008-01200                      ROUSSEAU, TOM & MARY ELLEN**  
**ACWORTH   Crescent Lake**

COMPLETE NOTIFICATION:  
Acworth, NH   Tax Map 201 Lot 76  
Crescent Lake

**2008-01201                      OBRIEN, STELLA**  
**HARRISVILLE   Skatutakee Lake**

COMPLETE NOTIFICATION:  
Harrisville, NH   Tax Map 30 Lot 48  
Lake Skatutakee

**2008-01204                      BAMBACK / VON SCHILLING, FRANK / JANE**  
**HOLDERNESS   Squam Lake**

COMPLETE NOTIFICATION:  
Holderness, NH   Tax Map 236 Lot 49  
Squam Lake

**2008-01205                      SNYDER, GORDON**  
**NOTTINGHAM   Pawtuckaway Pond**

COMPLETE NOTIFICATION:  
Nottingham, NH   Tax Map 71 Lot 52  
Pawtuckaway Lake

**2008-01206                      PORTER, LESLIE & SHAWN**  
**WINDSOR   Mountain Lake**

COMPLETE NOTIFICATION:  
Woodsville, NH   Tax Map 201 Lot 247  
Mountain Lake

**X-SHORELAND VARIANCE / WA**

\*\*\*\*\*

**2008-00338                      BAYBERRY REALTY TRUST**  
**WOLFEBORO   Lake Winnepesaukee**

**Requested Action:**

Replace an existing nonconforming primary structure within the primary building setback (the "Setback") with a proposed nonconforming primary structure on property with approximately 160 ft of frontage on Lake Winnepesaukee in Wolfeboro.

\*\*\*\*\*

**APPROVE CSPA WAIVER:**

Replace an existing nonconforming primary structure within the primary building setback (the "Setback") with a proposed nonconforming primary structure on property with approximately 160 ft of frontage on Lake Winnepesaukee in Wolfeboro.

**With Conditions:**

1. All work shall be conducted in accordance with building plans and stormwater control plans by Appledore Engineering, Inc. dated June 5, 2008 and received by DES on June 9, 2008 and planting plans by WW Hoffman LA dated June 5, 2008 and received by DES on June 9, 2008.
2. This Waiver shall not be effective unless and until it has been recorded at the Carroll County Registry of Deeds and a copy of the recorded document is sent to DES by certified mail, return receipt requested.

Page 1 of 4

3. Neither the Owner nor any subsequent owner shall construct, expand, install or otherwise create any impervious surfaces within the Setback other than those shown on building plans and stormwater control plans by Appledore Engineering, Inc. dated June 5, 2008 and received by the DES on June 9, 2008.
4. This Waiver shall run with the land and be binding upon the Owner and all subsequent owners of the Subject Property.
5. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
6. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is prohibited.
7. All proposed vegetation shall be planted by July 1, 2009. Plantings shall have a 90% survival success rate by October 31, 2009. Any plant species which does not maintain a survival success rate of at least 90% shall be replaced with another species of the same vegetative strata from the DES native species list. An initial monitoring report shall be submitted to DES by November 15, 2009 documenting the success of the plantings. In the event that construction is delayed, the Applicant shall submit a written request to DES to plant the proposed vegetation at a later date.
8. There shall be no substitutions made for the plant species specified on the approved plan without prior written approval from DES.
9. Proposed construction on the adjacent property, identified on the town of Wolfeboro Tax Map 217 Lot 135 must be in conformity with building plans and stormwater control plans by Appledore Engineering, Inc. dated June 5, 2008 and received by DES on June 9, 2008 and planting plans by WW Hoffman LA dated June 5, 2008 and received by DES on June 9, 2008.
10. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
12. A copy of the recorded Waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
13. This Waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
14. The owner shall maintain compliance with all other applicable requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.
15. DES and the town of Wolfeboro, pursuant to RSA 483-B:8, III, shall have the right to enforce the terms and conditions of this Waiver, including collection of their reasonable costs and attorneys' fees in bringing any such action.
16. The authorization provided herein is contingent upon compliance with all conditions specified. In the event any condition is violated, the State or town of Wolfeboro may seek appropriate relief, including but not limited to removal of the structure authorized by this waiver.

**With Findings:**

1. The existing structures, as identified on the town of Wolfeboro Tax Map 217 Lot 134, are located within the 50 ft Setback to public waters and, therefore, fail to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act ("CSPA").
2. The existing structures are located no more than approximately 16 ft from the reference line, have a ridgeline height of no more than approximately 31 ft and a total footprint of approximately 1,737 sq ft within the Setback, providing approximately 5,211 sq ft of living space within the Setback.
3. The proposed structure will be located approximately 24 ft from the reference line, have a ridgeline height of approximately 32 ft and a footprint of approximately 1,685 sq ft within the Setback, providing approximately 1,944 sq ft of living space within the Setback.

Page 2 of 4

4. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
5. The Applicant has proposed to remove approximately 884 sq ft of impervious surface within the Setback on the adjacent property, identified on the town of Wolfeboro Tax Map 217 Lot 135.
6. The Applicant has proposed to plant native vegetation including Canadian Hemlock, White Spruce, Mountain Ash, Balsam Fir, Red Maple, Red Oak, Sugar Maple, Serviceberry, Paper Birch, Low Bush Blueberry, Rhododendron, Swamp Azalea, Sweet Gale, Mountain Laurel, Bunchberry, Foam Flower, Blue Flag Iris, Cardinal Flower, Partridgeberry, Wintergreen and Bearberry as specified on planting plans by WW Hoffman LA dated June 5, 2008 and received by DES on June 9, 2008.
7. The Applicant has proposed to install stormwater controls consisting of 4 proposed rain gardens, as specified on stormwater control plans by Appledore Engineering, Inc. dated June 5, 2008 and received by DES on June 9, 2008.
8. The Applicant's proposal will increase the setback of the primary structure from the reference line by approximately 8 ft, bring the proposed primary structure on the adjacent property identified on the town of Wolfeboro Tax Map 217 Lot 135 into conformity with the CSPA, and includes stormwater controls and native plantings.
9. Based on this information, the Department has determined that the Applicant's proposal is more nearly conforming with RSA 483-B, the CSPA, and provides at least the same degree of protection to the public waters, and, therefore, meets the requirements of RSA 483-B:11, II to be eligible for a waiver.

## ROADWAY MAINTENANCE NOTIF

\*\*\*\*\*

**2008-01182                      NEWINGTON, TOWN OF**  
**NEWINGTON   Unnamed Stream**

### COMPLETE NOTIFICATION:

Replace culvert; headwall repair, replacement and construction

**2008-01183                      PLAINFIELD, TOWN OF**  
**PLAINFIELD   Unnamed Stream**

### COMPLETE NOTIFICATION:

Replace 8 existing 15" culverts with 18" and ditchline maintenance

## PERMIT BY NOTIFICATION

\*\*\*\*\*

**2008-01146                      MOUNT WASHINGTON COG RAILROAD**  
**THOMP MES PURCH   Unnamed Stream**

Requested Action:

Repair and replace an existing deteriorated 36 in. x 30 ft. culvert with 104 sq. ft. of temporary wetlands impacts.

\*\*\*\*\*

PBN IS COMPLETE:

Repair and replace an existing deteriorated 36 in. x 30 ft. culvert with 104 sq. ft. of temporary wetlands impacts.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.

**2008-01167                      GILFORD, TOWN OF**  
**GILFORD   Unnamed Stream**

Requested Action:

Dredge 860 linear feet intermittent stream within a wet meadow to dry for mowing.

\*\*\*\*\*

PBN DISQUALIFIED:

Dredge 860 linear feet intermittent stream within a wet meadow to dry for mowing.

With Findings:

1. The photographs provided with the application illustrate a wet meadow, there is no stream apparent and it appears to have been abandoned per Env- Wt 101.01.
2. The proposal did not meet any of the requirements of Env-Wt 506.01, and therefore does not qualify for the Permit by Notification Process.

## CSPA PERMIT

\*\*\*\*\*

**2008-00977                      LEBOEUF, MARK**  
**PITTSBURG   Back Lake**

Requested Action:

Expansion of an existing primary structure on property with approximately 165 ft of frontage on Back Lake in Pittsburg.

\*\*\*\*\*

APPROVE PERMIT:

Expansion of an existing primary structure on property with approximately 165 ft of frontage on Back Lake in Pittsburg.

With Conditions:

1. All work shall be in accordance with building plans by Mark LeBoeuf dated May 5, 2008 and received by DES on June 9, 2008.
2. The proposed impervious surfaces, as depicted on building plans by Mark LeBoeuf dated May 5, 2008 and received by the

Department of Environmental Services ("DES") on June 9, 2008, shall occupy no more than 8.7% of the total lot size.

3. The project, as specified on building plans by Mark LeBoeuf dated May 5, 2008 and received by DES on June 9, 2008, will comply with applicable criteria of all administrative rules and RSA 483-B during and after construction.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The project shall not impact species identified as "threatened" by the NH Natural Heritage Bureau as there is no tree removal proposed.